

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Roosevelt McClenton,

Petitioner,

v.

Civil No. 12-2403 (JNE/JJK)
ORDER

State of Minnesota,

Respondent.

This case is before the Court on a Report and Recommendation issued by the Honorable Jeffrey J. Keyes, United States Magistrate Judge, on October 3, 2012. The magistrate judge recommended that Petitioner's application for a writ of habeas corpus and Petitioner's application for leave to proceed *in forma pauperis* be denied, that the action be dismissed with prejudice, and that no Certificate of Appealability be granted. No objections to the Report and Recommendation have been filed within the requisite time period. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 4]. Therefore, IT IS ORDERED THAT:

1. Petitioner's application for a writ of habeas corpus [Docket No. 1] is DENIED.
2. Petitioner's application for leave to proceed *in forma pauperis* [Docket No. 2] is DENIED.
3. This action is DISMISSED WITH PREJUDICE.
4. Petitioner is NOT granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY

Dated: November 7, 2012

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge